

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD,) CIVIL DIVISION
Plaintiff,) Civil Action No. 05 CV 79 - Erie
v.) Honorable Maurice B. Cohill, Jr.
JOY MINING MACHINERY COMPANY,)
a division of Harnischfeger Industries,) JURY TRIAL DEMANDED
Defendant.)

STATE OF NORTH CAROLINA

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COUNTY OF WAKE

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AFFIDAVIT OF HOWARD J. HORTON, JR.

The undersigned, Howard J. Horton, Jr., being sworn, deposes and states as follows based on personal knowledge:

1. My name is Howard J. Horton, Jr..
2. I worked for Joy Mining Machinery from August 12, 1968 until October 14, 1988 at the Franklin, Pennsylvania facility.
3. I was the IS Manager at that facility.
4. Ellie Averill worked in the department that I managed.
5. I recall who Ellie Averill is.
6. Ellie Averill never complained to me or reported any allegations of sexual misconduct by Larry Meade, or any Joy employee.

7. No complaints of sexual harassment were made to me by any Joy employee while I was the IS Manager – or at any time that I worked for Joy.


Howard J. Horton, Jr.
HOWARD J. HORTON, JR.

Sworn to and subscribed before me this

14th day of May, 2007.

Donna W. Austin
Notary Public DONNA W. AUSTIN

My Commission Expires: July 07, 2007